

## **REMARKS**

### **I. Status of the Claims**

Upon entry of the amendments proposed in this Reply, claims 7-8, 43-44, and 47 are pending.

Applicants herein cancel claims 1-4, 42, and 45-46 without prejudice or disclaimer, and place the subject matter of claim 45 within claim 43.

Further, the Office re-numbered claims 9-14 presented in the amendment filed May 13, 2003, as claims 42-47. As claim 10 presented in that amendment is now claim 43, Applicants also correct several of the dependent claims accordingly.

These amendments allow for immediate action, do not introduce new matter, and do not require a further search of the art. Applicants respectfully request their entry under 37 C.F.R. § 1.116, placing claims 7-8, 43-44, and 47 in condition for allowance.

Entry of the amendments would also place the application in better form for appeal, should the Office continue to dispute the patentability of the pending claims.

### **II. Information Disclosure Statement**

The Examiner notes that she has not yet considered the Information Disclosure Statements filed May 13, 2003, or January 3, 2002, as she does not have access to the parent application, which contains copies of each of the cited publications. (Office Action at page 11.) In order to assist the Examiner, Applicants enclose courtesy copies of each of the publications cited in those Information Disclosure Statements along with a copy of the PTO Form 1449 submitted on May 13, 2003.

### **III. Indefiniteness Rejection of Claim 4 Is Moot**

The Office rejects claim 4 under 35 U.S.C. § 112, second paragraph, for including the phrase "gastrointestinal disorder." The Office contends that that phrase does not have antecedent support. This rejection is moot, as Applicants have canceled claim 4.

### **IV. All of the Claims Are Enabled**

The Office rejects claims 1-4, 7-8, and 42-47, asserting that they are not enabled throughout their full scope. The Office asserts, however, that claim 45, which recites methods involving cadaverine, is enabled. (Office Action at page 3 and page 4, last four lines.) This rejection is moot in light of the present amendments which place the "cadaverine" of claim 45 into claim 43. Therefore, Applicants request its withdrawal.

As an aside, the Office comments in its rejection that the specification only shows that cadaverine attenuates enterotoxins from *E. coli* and *Shigella*. (Office Action at page 4.) However, Tables 4 and 5 at pages 36 and 37 demonstrate that cadaverine attenuates the effects of enterotoxins from several different species of bacteria, including *Yersinia*, *Bacteriodes*, and *Campylobacter*, as well as *E. coli* and *Shigella*.

### **V. Novelty Rejections of Claims 1-4 Are Moot**

#### **A. Rejection of Claims 1, 3, and 4 over Wang (U.S. Patent No. 5,502,055)**

The Office rejects claims 1, 3, and 4, alleging that they are anticipated by Wang. (Office Action at page 7.) The Office asserts that Wang discloses putrescine in a "pharmaceutical composition." This rejection is moot because claim 3, which recites putrescine, is now canceled. Thus, Applicants request the withdrawal of this rejection.

**B. Rejection of Claims 1, 2, and 4 over Dela Vega & Delcour (*EMBO J.* 14(23): 6059-65 (1995)) and Rejection of Claims 1-4 over Dela Vega & Delcour (*J. Bacteriol.* 178(13): 3715-21 (1996))**

The Office also rejects claims 1, 2, and 4 over Dela Vega & Delcour's publication in *EMBO Journal* ("Dela Vega 1995"), asserting that this publication teaches the claimed cadaverine compositions. (Office Action at pages 8-9.) The Office also rejects claim 1-4 over Dela Vega & Delcour's article in the *Journal of Bacteriology* ("Dela Vega 1996"), asserting that it teaches putrescine and cadaverine compositions that meet the claimed limitations. (Office Action at pages 9-10.) These rejections are also moot as claims 1-4 are canceled. Therefore, Applicants respectfully request their withdrawal.

**Conclusion**

Applicants request the entry of this Amendment under 37 C.F.R. § 1.116 and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any required fees not found herewith to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By: Elizabeth A. Doherty  
Elizabeth A. Doherty  
Reg. No. 50,894